



WASHOE COUNTY

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CM/ACM _____
Finance _____
DA _____
Risk Mgt N/A
HR N/A
Other N/A

STAFF REPORT BOARD MEETING DATE: May 12, 2015

DATE: April 28, 2015
TO: Board of County Commissioners
FROM: Robert Smith, Animal Services Manager
Phone: 353-8945; email: rasmith@washoecounty.us
THROUGH: Shyanne Schull, Director of Regional Animal Services
SUBJECT: Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by adding provisions creating the Department of Regional Animal Services, creating the position of Director of Regional Animal Services, and specifying the powers and duties of the Director of Regional Animal Services; by revising provisions relating to the animal services center; by making changes to the definition of "animal control officer"; and by clarifying the powers and duties of an animal control officer. (Bill No. 1738) (All Commission Districts).

SUMMARY

The Washoe County Commission introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55, by adding sections relating to the creation of the Department of Regional Animal Services and the position and authority of the Director of Regional Animal Services, and by revising provisions relating to the animal services center and the authority of animal control officers.

County priority/goals: Safe, secure and healthy communities; Public participation and open, transparent communication.

PREVIOUS ACTION

On April 22, 2014 the Board of County Commissioners established Washoe County Regional Animal Services as a stand-alone department.

On June 17, 2014 the Board of County Commissioners authorized initiation of proceedings to amend Washoe County Code (Chapters 5 and 55) related to the creation of the Department of Regional Animal Services.

On April 28, 2015 the Board of County Commissioners introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55, by adding sections relating to the creation of the Department of Regional Animal Services and the position and authority of the Director of Regional Animal Services, and by revising provisions relating to the animal services center and the authority of animal control officers.

AGENDA ITEM # 25

BACKGROUND

Washoe County Code Chapter 55 was rewritten to create a unified animal control ordinance which was adopted on June 14, 2005 in accordance with the Interlocal Agreement entered into by Washoe County, the City of Reno and the City of Sparks, to effectuate the consolidation of animal services in the county. In accordance with that Interlocal Agreement and the consolidated ordinances, animal services within Washoe County have been provided on a regional basis now in excess of nine years. It is based on this experience, the creation of Animal Services as a department, revision to state statutes and public input, that these amendments to Chapter 55 are being proposed.

- NRS 244.189 provides that the board of county commissioners may exercise such powers and may enact such ordinances not in conflict with Nevada statutes for, inter alia, the control and protection of animals.
- NRS 244.359 provides that the board of county commissioners may enact and enforce ordinances fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid; regulating or prohibiting the running at large and disposal of all kinds of animals; establishing a pound, appointing a pound keeper and prescribing his duties; prohibiting cruelty to animals; and designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners. Any such ordinances may apply throughout the entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances. The Washoe County Board of Commissioners and the City Councils of the City of Reno and City of Sparks consolidated animal control functions in Washoe County to be on a regional basis. The consolidation of animal control services was accomplished by the adoption of ordinances of the three jurisdictions approving an Interlocal Agreement among the City of Reno, City of Sparks, and Washoe County which regionalized all field services, including, but not limited to, licensing, enforcement, rabies control, kennel permitting and related administrative functions relating thereto under the jurisdiction and control of Washoe County. The final step in the consolidation process occurred on June 14, 2005 when the Board of County Commissioners adopted the ordinance which amended Washoe County Code Chapter 55 in compliance with the Interlocal Agreement for the consolidation of animal services. Since that date, animal services within Washoe County have been operated and provided on a regional basis. We now have over nine years of regional operational experience.

On April 22, 2014 the Board of County Commissioners voted to establish Washoe County Regional Animal Services as a stand-alone department. As part of the vote, it was established at the direction of the Board of County Commissioners to amend Washoe County Code 55.

As part of the departmental stand-alone and meetings with the District Attorney's Office, it was identified that the current definition of an animal control officer was vague and required modification to clarify duties, authorities and responsibilities.

On April 28, 2015 the Board of County Commissioners introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55, by adding sections relating to the

creation of the Department of Regional Animal Services and the position and authority of the Director of Regional Animal Services, and by revising provisions relating to the animal services center and the authority of animal control officers.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt an ordinance amending Washoe County Code Chapter 55, by adding provisions creating the Department of Regional Animal Services, creating the position of Director of Regional Animal Services, and specifying the powers and duties of the Director of Regional Animal Services; by revising provisions relating to the animal services center; by making changes to the definition of “animal control officer”; and by clarifying the powers and duties of an animal control officer.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be:

Move to adopt an ordinance amending Washoe County Code Chapter 55 by adding provisions creating the Department of Regional Animal Services, creating the position of Director of Regional Animal Services, and specifying the powers and duties of the Director of Regional Animal Services; by revising provisions relating to the animal services center; by making changes to the definition of “animal control officer”; and by clarifying the powers and duties of an animal control officer.

SUMMARY: Amends the Washoe County Code by adding provisions creating the department of regional animal services and the position of director of regional animal services, by revising provisions relating to the animal services center, and by revising provisions relating to the definition of "animal control officer" and the powers and duties of an animal control officer.

BILL NO. 1738

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS CREATING THE DEPARTMENT OF REGIONAL ANIMAL SERVICES, CREATING THE POSITION OF DIRECTOR OF REGIONAL ANIMAL SERVICES, AND SPECIFYING THE POWERS AND DUTIES OF THE DIRECTOR OF REGIONAL ANIMAL SERVICES; BY REVISING PROVISIONS RELATING TO THE ANIMAL SERVICES CENTER; BY MAKING CHANGES TO THE DEFINITION OF "ANIMAL CONTROL OFFICER"; AND BY CLARIFYING THE POWERS AND DUTIES OF AN ANIMAL CONTROL OFFICER.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 55 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this ordinance.

SECTION 2.

55.020 Department of regional animal services: Creation.

1. The department of regional animal services is hereby created.

2. The department shall be responsible for the operation of the animal services center, field services, enforcement of laws and ordinances pertaining to animals within Washoe County, emergency response in times of disaster, and other functions as may be assigned by the board of county commissioners.

SECTION 3.

55.021 Director of regional animal services: Creation.

1. The position of director of regional animal services is hereby created.

2. The director shall be appointed by the board of county commissioners upon recommendation by the county manager.

SECTION 4.

55.022 Director of Regional Animal Services: Powers and duties. Subject to chapter 5 of this code regulating county personnel, the director of regional animal services shall appoint, supervise and direct all technical, administrative and operational staff as the department requires. In addition to such duties as may be required in the daily administration of the department, the board of county commissioners and the county manager may make additional assignments as necessary.

Section 5. Washoe County Code 55.010 is hereby amended by changing the definition of "Animal control officer" as follows:

"Animal control officer" means those employees of the county who have been designated by the county pursuant to NRS 280.125: to enforce the provisions of this chapter and Nevada state law; to possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10); to prepare, sign and serve written citations on persons accused of violating the provisions of Nevada Revised Statutes or the Washoe County Code as they relate to animal control as specified in NRS 171.17751(1); and to perform other functions as permitted by law.

SECTION 6. Washoe County Code 55.020 is hereby amended to read as follows, and shall now be designated as 55.023:

55.023 Animal services center.

1. An animal services center is hereby established which shall be maintained in such place as is provided for by the board of county commissioners.

2. The animal services center provides for the receipt, impoundment, care and disposal of animals. Operation, direction, supervision and necessary control of the animal services center shall be under the direction of the director of regional animal services.

3. In carrying out the functions of the animal services center, the board of county commissioners may enter into written agreements upon such terms and conditions as the board deems appropriate and in compliance with all applicable laws.

SECTION 7. Washoe County Code 55.040 is hereby amended to read as follows:

55.040 Animal control officer; powers and duties. An animal control officer shall have the following powers and duties:

1. To enforce all provisions of this chapter and all laws of the state relating to the care, treatment, impoundment and disposal of animals.

2. To possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10).

3. To provide sufficient food, water and shelter for impounded animals at the animal services center or other authorized location.

4. To take up, impound and safely keep any animal found to be in violation of the provisions of this chapter and Nevada law.

5. To collect any costs or charges hereinafter provided in this chapter for the impounding and keeping of any animal; to account for all money received and disbursed; and to keep an accurate record of all animals impounded.

6. To dispose of animals, including by destruction, lawfully impounded in accordance with rules promulgated pursuant to section 55.485 and Nevada law.

7. To employ the use of the tranquilizer gun and all other animal control equipment in the performance of their duties.

8. To prepare, sign and serve written citations on persons accused of violating a provision of the Nevada Revised Statutes or the Washoe County Code as it pertains to animals. All citations so issued and served shall comply with the requirements of NRS 171.1773 and NRS 171.17751(5).

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 2015.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2015.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after
_____, 2015.

SUMMARY: Amends the Washoe County Code by adding provisions creating the department of regional animal services and the position of director of regional animal services, by revising provisions relating to the animal services center, and by revising provisions relating to the definition of "animal control officer" and the powers and duties of an animal control officer.

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SECTION 1. Chapter 55 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this ordinance.

SECTION 2.

55.020 Department of regional animal services: Creation.

1. The department of regional animal services is hereby created.
2. The department shall be responsible for the operation of the animal services center, field services, enforcement of laws and ordinances pertaining to animals within Washoe County, emergency response in times of disaster, and other functions as may be assigned by the board of county commissioners.

SECTION 3.

55.021 Director of regional animal services: Creation.

1. The position of director of regional animal services is hereby created.
2. The director shall be appointed by the board of county commissioners upon recommendation by the county manager.

SECTION 4.

55.022 Director of Regional Animal Services: Powers and duties. Subject to chapter 5 of this code regulating county personnel, the director of regional animal services shall appoint, supervise and direct all technical, administrative and operational staff as the department requires. In addition to such duties as may be required in the daily administration of the department, the board of county commissioners and the county manager may make additional assignments as necessary.

Section 5. Washoe County Code 55.010 is hereby amended by changing the definition of "Animal control officer" as follows:

"Animal control officer" means those employees of the county who have been designated by the county **pursuant to NRS 280.125:** to enforce the provisions of ~~this~~ chapter 55 and Nevada state law; to possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10); **to prepare, sign and serve written citations on persons accused of violating the provisions of Nevada Revised Statutes or the Washoe County Code as they relate to animal control as specified in NRS 171.17751(1);** and to perform **other** functions ~~in connection with the operation of the animal services center as permitted by law.~~

SECTION 6. Washoe County Code 55.020 is hereby amended to read as follows, and shall now be designated as 55.023:

~~55.0203 Animal services center established; functions.~~

~~1. There is hereby established~~ **aAn animal services center is hereby established** which ~~is and~~ shall be maintained in such place as is provided for ~~from time to time~~ by the board of county commissioners.

2. The animal services center provides for the receipt, impoundment, care and disposal of animals. Operation, direction, supervision and necessary control of the animal services center shall be under the ~~board of county commissioners and its duly authorized representatives by July 1, 2005~~ **direction of the director of regional animal services.**

3. In carrying out the functions of the animal services center, the board **of county commissioners** may enter into written agreements upon such terms and conditions as the board deems appropriate and in compliance with all applicable laws.

SECTION 7. Washoe County Code 55.040 is hereby amended to read as follows:

55.040 Animal control officer; powers and duties. An animal control officer ~~of the county~~ shall have the following powers and duties:

1. To enforce all provisions of this chapter and all laws of the state relating to the care, treatment, impoundment and disposal of animals.

2. To possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10).

3. ~~To maintain and keep the animal services center or other place where all animals which are subject to be impounded may be kept, safely held and provided with~~ **provide** sufficient food, water and shelter **for impounded animals at the animal services center or other authorized location.**

4. To take up, impound and safely keep any animal found to be in violation of the provisions of this chapter **and Nevada law.**

5. To collect any costs or charges hereinafter provided in this chapter for the impounding and keeping of any animal; to account for all money received and disbursed; and to keep an accurate record of all animals impounded.

6. To dispose of animals, including by destruction, lawfully impounded in accordance with rules promulgated pursuant to section 55.485 **and Nevada law.**

7. ~~In the performance of his duties, the animal control officer shall have the authority to~~ employ the use of the tranquilizer gun and all other animal control equipment ~~commonly used by other animal control agencies within the state~~ **in the performance of their duties.**

8. **To prepare, sign and serve written citations on persons accused of violating a provision of the Nevada Revised Statutes or the Washoe County Code as it pertains to animals. All citations so issued and served shall comply with the requirements of NRS 171.1773 and NRS 171.17751(5).**

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 2015.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2015.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after
_____, 2015.